

Notice of Allowability	Application No.	Applicant(s)	
	09/667,770	KOMINO ET AL.	
	Examiner	Art Unit	
	Rudy Zervigon	1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for Continued Examination Under 37 CFR 1.114 filed November 21, 2003.
2. ☒ The allowed claim(s) is/are 2-4, 7, 13, 15, 25, 27, 29-31, 33, 35, 37, 40, 41, 43-45 and 47.
3. ☒ The drawings filed on 04 October 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2/5/2004</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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EXAMINER'S AMENDMENT

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on September 29, 2003 and November 21, 2003 are entered.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kamal Goudjil on February 5, 2004.

The application has been amended as follows:

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IN THE SPECIFICATION:

Please amend the paragraph starting at line 29 in page 39 of the specification as follows:

It should be noted that in the above-mentioned embodiment, the heat resistant metal seal members shown in FIGS. 3A through 3E are used so as to seal each of the heat transfer spaces. However, the present invention is not limited to this, and the heat transfer spaces themselves may constitute a labyrinth structure so that the heat transfer gas does not move out therefrom. In one embodiment, a labyrinth heat transfer space formed by complementary concentric or spiral grooves is provided on opposite surfaces of the electrode unit and the cooling block.

Allowable Subject Matter

3. Claims 2-4, 7, 13, 15, 25, 27, 29, 30, 31, 33, 35, 37, 40, 41, 43-45, and 47 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:
The amendment of November 21, 2003 adds the suggested claim language discussed during the interview of September 9, 2003. Specifically, the Examiner reaffirms his position that none of the cited prior art teach or suggest "a labyrinth heat transfer space formed by complementary concentric or spiral grooves provided on opposite surfaces of said electrode unit and said cooling block" as demonstrated in Figure 22A and stated in all pending independent claims. The closest prior art to the present invention is to Heimanson et al (USPat. 5,775,416) and Gilchrist et al (USPat. 5,846,375). Heimanson teaches a heat transfer space (50) provided on at least one of opposite surfaces of the conductor unit (Figure 1) and said cooling block; and conductor-side heat transfer gas supply means (92, 72, 76, 84) for supplying a heat transfer gas to the heat transfer space. Gilchrist teaches an electrode unit (15, Figure 1) that interfaces with the substrate,

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and specifically teaches a labyrinth transfer space (32A-D; Figure 1) formed by concentric (Figure 2, 5) grooves.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (571) 272.1442. The examiner can normally be reached on a Monday through Thursday schedule from 8am through 7pm. The official after final fax phone number for the 1763 art unit is (703) 872-9311. The official before final fax phone number for the 1763 art unit is (703) 872-9310. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Chemical and Materials Engineering art unit receptionist at (571) 272-1700. If the examiner can not be reached please contact the examiner's supervisor, Gregory L. Mills, at (571) 272-1439.



JEFFRIE R. LUND
PRIMARY EXAMINER